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## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

|                    |   |
|--------------------|---|
| Title of Invention | PREVENTION OF MEMBRANE CONTAMINATION IN<br>ELECTROCHEMICAL FUEL CELLS |
|--------------------|---|

As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or  
 Application No. 10/693,672, filed on October 23, 2003,  
 as amended on \_\_\_\_\_ (if applicable);

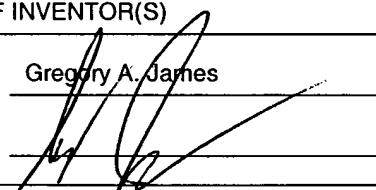
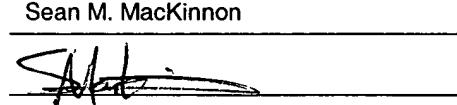
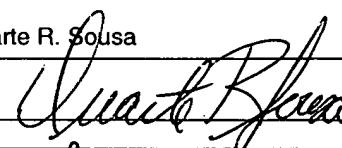
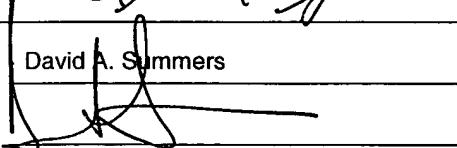
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

### FULL NAME OF INVENTOR(S)

|                 |   |             |                  |
|-----------------|---|-------------|------------------|
| Inventor one:   | Gregory A. James  | Citizen of: | Canada           |
| Signature:      |  | Date:       | <u>Dec 2/03</u>  |
| Inventor two:   | Sean M. MacKinnon   | Citizen of: | Canada           |
| Signature:      |  | Date:       | <u>Dec 2/03</u>  |
| Inventor three: | Duarte R. Sousa   | Citizen of: | Canada           |
| Signature:      |  | Date:       | <u>Dec 1/03</u>  |
| Inventor four:  | David A. Summers  | Citizen of: | Canada           |
| Signature:      |  | Date:       | <u>Nov 28/03</u> |

Additional inventors are being named on 1 additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Docket No. 130109.507

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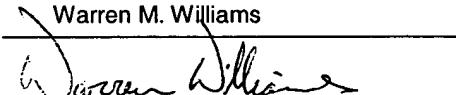
## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

### ADDITIONAL INVENTOR(S) Supplemental Sheet

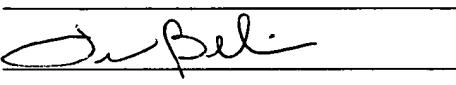
Page 2 of 2

#### FULL NAME OF INVENTOR(S)

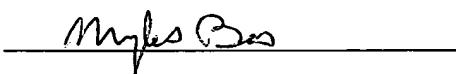
Inventor five: Warren M. Williams Citizen of: Canada

Signature:  Date: 01 DEC '03

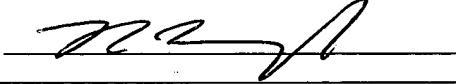
Inventor six: Julie Bellerive Citizen of: Canada

Signature:  Date: 10 DEC 2003

Inventor seven: Myles L. Bos Citizen of: Canada

Signature:  Date: Dec 4/03

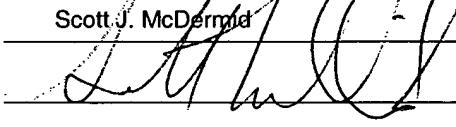
Inventor eight: Robert B.P. Rempel Citizen of: Canada

Signature:  Date: DEC 5/03

Inventor nine: Simon Farrington Citizen of: Great Britain

Signature:  Date: 28 Nov. '03

Inventor ten: Scott J. McDermid Citizen of: Canada

Signature:  Date: Dec. 11/03

Additional inventors are being named on \_\_\_\_\_ additional form(s) attached hereto.

O I P E  
MAR 25 2004  
PATENT & TRADEMARK OFFICE

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PTO/SB/81 (06-03)

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**ELECTION AND POWER OF  
ATTORNEY and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

|  |                               |  |
|--|-------------------------------|--|
| <b>ELECTION AND POWER OF<br/>ATTORNEY and<br/>CORRESPONDENCE ADDRESS<br/>INDICATION FORM</b> | <b>Application Number</b>     | 10/693,672   |
|  | <b>Filing Date</b>            | October 23, 2003   |
|  | <b>First Named Inventor</b>   | Gregory A. James   |
|  | <b>Title</b>                  | PREVENTION OF MEMBRANE<br>CONTAMINATION IN<br>ELECTROCHEMICAL FUEL CELLS |
|  | <b>Art Unit</b>               |  |
|  | <b>Examiner Name</b>          |  |
|  | <b>Attorney Docket Number</b> | 130109.507   |

I hereby appoint:

Practitioners at Seed IP Law Group PLLC, Customer Number: 00500

**OR**

Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
|      |                     |
|      |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The above-mentioned Customer Number.

**OR**

The address associated with Customer Number:

**OR**

|   |  |
|---|--|
| <input type="checkbox"/> Firm or<br>Individual Name |  |
|---|--|

I am the:

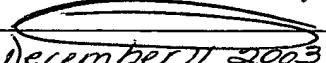
Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.

*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).*

As assignee of record of the entire interest I/we hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor(s).

**SIGNATURE of Applicant or Assignee of Record**

|           |   |
|-----------|---|
| Name      | Noordin S.K. Nanji – Vice-President, Corporate Strategy & Development               |
| Signature |  |
| Date      | December 11, 2003   |
| Name      | Dave Smith – Chief Financial Officer  |
| Signature |  |
| Date      | December 15, 2003   |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Gregory A. James et al.

Application No./Patent No.: 10/693,672 Filed/Issue Date: October 23, 2003

Entitled: PREVENTION OF MEMBRANE CONTAMINATION IN ELECTROCHEMICAL FUEL CELLS

Ballard Power Systems Inc.

(Name of Assignee)

a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel       , Frame       , or for which a **copy thereof is attached**.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

Additional documents in the chain of title are listed on a supplemental sheet.  
 Copies of assignments or other documents in the chain of title are attached.

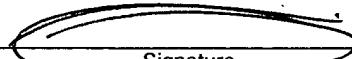
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

December 11, 2003

Date

Noordin S.K. Nanji

Typed or printed name



Signature

Vice-President, Corporate Strategy & Development

Title

December 15, 2003

Date

Dave Smith

Typed or printed name



Signature

Chief Financial Officer

Title

## ASSIGNMENT

WHEREAS, we,

| Name               | Post Office Address   |       |
|--------------------|---|-------|
| Gregory A. James   | 1123 Rochester Avenue, Coquitlam, British Columbia,<br>CANADA V3K 2X3       | ;     |
| Sean M. MacKinnon  | #317 – 7383 Griffiths Drive, Burnaby, British Columbia,<br>CANADA V5E 4M8   | ;     |
| Duarte R. Sousa    | 8277 149A Street, Surrey, British Columbia, CANADA V3S<br>7R9               | ;     |
| David A. Summers   | 2851 West 7th Avenue, Vancouver, British Columbia,<br>CANADA V6K 1Z5        | ;     |
| Warren M. Williams | 4443 Glencanyon Drive, North Vancouver, British Columbia,<br>CANADA V7N 4B4 | ;     |
| Julie Bellerive    | #201B – 7025 Stride Avenue, Burnaby, British Columbia,<br>CANADA V3N 1T3    | ;     |
| Myles L. Bos       | 8076 13th Avenue, Burnaby, British Columbia, CANADA<br>V3N 2G2              | ;     |
| Robert B.P. Rempel | #407 – 237 East 4th Avenue, Vancouver, British Columbia,<br>CANADA V5T 4R4  | ;     |
| Simon Farrington   | 3416 West 2nd Avenue, Vancouver, British Columbia,<br>CANADA V6R 1J2        | ; and |
| Scott J. McDermid  | #203 – 3820 Cambie Street, Vancouver, British Columbia,<br>CANADA V5Z 2X7   | ,     |

(hereinafter referred to as ASSIGNORS), having post office addresses as listed above next to our names, are the joint inventors of an invention entitled

**PREVENTION OF MEMBRANE CONTAMINATION  
IN ELECTROCHEMICAL FUEL CELLS**

as described and claimed in the specification for which an application for United States letters patent was filed on October 23, 2003, and assigned Application No. 10/693,672;

WHEREAS, Ballard Power Systems Inc. (hereinafter referred to as ASSIGNEE), a Canadian corporation having a place of business at 4343 North Fraser Way, Burnaby, British Columbia, Canada V5J 5J9, is desirous of acquiring the entire right, title and interest in and to said invention, this application, and any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United

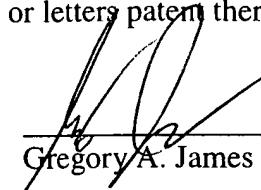
States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

2-December-03

Date

City of Burnaby)

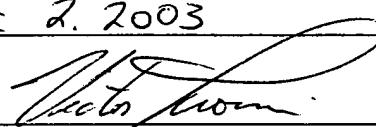
Province of BC)

  
Gregory A. James

ss.

I certify that I know or have satisfactory evidence that Gregory A. James is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Dec 2, 2003

Signature of  
Notary Public 

Printed Name Victor Tuomi

My appointment does not expire

Dec 2/03

Date

City of Burnaby)

Province of BC)

  
Sean M. MacKinnon

ss.

I certify that I know or have satisfactory evidence that Sean M. MacKinnon is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Dec 2, 2003

Signature of  
Notary Public 

Printed Name Victor Tuomi

My appointment does not expire

Dec 1/03

Date

City of Burnaby)Province of BC)Duarte R. Sousa

Duarte R. Sousa

ss.

I certify that I know or have satisfactory evidence that Duarte R. Sousa is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Dec 1, 2003Signature of  
Notary Public

Printed Name

My appointment does not expire

Victor TuomiVictor TuomiNov 28/03

Date

City of Burnaby)Province of BC)

David A. Summers

ss.

I certify that I know or have satisfactory evidence that David A. Summers is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Nov 28, 2003Signature of  
Notary Public

Printed Name

Victor TuomiVictor Tuomi

My appointment does not expire

01 DEC 2003

Date

City of BURNABYProvince of BCWarren Williams

Warren M. Williams

ss.

I certify that I know or have satisfactory evidence that Warren M. Williams is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Dec 1, 2003Signature of  
Notary PublicPrinted Name Victor Tuomi

My appointment does not expire

10 DEC 2003

Date

City of BURNABYProvince of BCJulie Bellerive

Julie Bellerive

ss.

I certify that I know or have satisfactory evidence that Julie Bellerive is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Dec 10, 2003Signature of  
Notary PublicPrinted Name Victor Tuomi

My appointment does not expire

Dec 4/03  
Date

Myles Bos  
Myles L. Bos

City of Burnaby)  
Province of BC)

ss.

I certify that I know or have satisfactory evidence that Myles L. Bos is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 04 December 03  
Signature of \_\_\_\_\_  
Notary Public C. Hillier  
Printed Name KERRY B. HILLIER

My appointment does not expire

05 DECEMBER 2003  
Date

Robert B.P. Rempel

City of BURNABY)  
Province of BC)

ss.

I certify that I know or have satisfactory evidence that Robert B.P. Rempel is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Dec 5, 2003  
Signature of \_\_\_\_\_  
Notary Public Victor Tuomi  
Printed Name Victor Tuomi

My appointment does not expire

28th Nov. '03.  
Date

Simon Farrington  
Simon Farrington

City of Burnaby)  
Province of BC)

ss.

I certify that I know or have satisfactory evidence that Simon Farrington is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Nov 28, 2003

Signature of  
Notary Public Victor Tuomi

Printed Name Victor Tuomi

My appointment does not expire

Dec. 11/03  
Date

Scott J. McDermid

City of Burnaby)  
Province of B.C.)

ss.

I certify that I know or have satisfactory evidence that Scott J. McDermid is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Dec 11 2003

Signature of  
Notary Public Victor Tuomi

Printed Name Victor Tuomi

My appointment does not expire